THE CASE OF Sir *Humphry Mackworth*, And of the *Mine-Adventurers*, With Reſpect to the Irregular Proceedings Of ſeveral JUSTICES of the PEACE FOR THE County of *Glamorgan*, And of their AGENTS and DEPENDENTS.

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The CASE of

Sir *Humphry Mackworth*,

And of the *Mine-Adventurers*;

With respect to

The Irregular Proceedings of several Justices of the Peace for the County of *Glamorgan*, and of their Agents and Dependents.

THE West part of *England* is chiefly supplied with Coal from *Neath*, and other Places in the County of *Glamorgan*.

The Coal Trade doth much enrich that part of the said County, not only with respect to the Shipping and Seamen coming for Coal; but also with respect to the Conveniency thereby of vending several other Commodities of that Country, to the great Advantage of the Inhabitants.

This Coal Trade had been almost totally lost at *Neath* during the space of *thirty Years* and upwards, for want of carrying on the Coal-works there, until Sir *Humphry Mackworth*, in the Year 1695, began to adventure great Sums of Money in finding and recovering the Coal in that Neighbourhood; since which time, *the Town of* Neath, *which was grown very poor for want of Trade, is now become one of the best Towns of Trade in* South Wales.

The Conveniency and Cheapness of Coal hath occasioned the building of *great Work-houses by Sir* H. Mackworth, *at* Neath, *at the expence of several Thousand Pounds, for smelting of Lead and Copper Oar, for extracting Silver out of the Lead, and for making Litharge and Red-Lead, for the use of the* Mine-Adventurers.

These Coal-works and Work-houses do employ *great numbers of Men, Women and Children, to whom several thousand Pounds are paid every Year, which circulates in that Neighbourhood, and other Trades are thereby encreased, the Market much improved, the Rents are better paid, as has been often acknowledg'd by Sir* Edward Mansel *and others, the Country receiving ready money for their Provisions.*

The Coal-works that are chiefly wrought at this time do lie under the

Common Lands belonging to the Town of *Neath*, and were in ancient Times wrought by the Burgeſſes, each Burgeſs ſinking a Pit for himſelf, till at laſt they came to croſs one anothers Works, which cauſed great differences and ſeveral Law-ſuits; and then they agreed to grant a Leaſe for twenty one Years of the ſaid Coal-works, to *David Evans* of *Neath*, Eſq; a Burgeſs of the ſaid Burrough, yielding the ſaid Burgeſſes ſufficient Coal for their neceſſary Firing in their own Houſes in *Neath*, at the rate of two Pence for each Barrow of Coal, and alſo a Rent or Duty of one Shilling to the ſaid Town for each Weigh of Coal ſold to Sea.

The Burgeſſes finding the Advantage of the ſaid Leaſe, renewed the ſame to *Edward Evans*, Eſq; eldeſt Son to the ſaid *David Evans*, and after expiration thereof, granted another Leaſe to *Frances* the Relict of the ſaid *Edward*, and afterwards granted another Leaſe to Sir *Herbert Evans*, which came to *Mary Evans*, Daughter and Heir of the ſaid Sir *Herbert*, and late Wife of the ſaid Sir *Humphry Mackworth*.

During the ſaid laſt mentioned Leaſe, the ſaid Sir *Humphry Mackworth* being deſirous to promote the good of the ſaid Town of *Neath*, gave Liberty to the Burgeſſes to endeavour the recovering of Coal in that Liberty for their own uſe, which they attempted at ſome Expence; but failing of Succeſs, all the Burgeſſes, in *Sept.* 1697, did unanimouſly agree to grant a new Leaſe thereof to the ſaid Sir *Humphry Mackworth* for the Term of thirty one Years, whereof about twenty three Years are yet unexpired.

Sir *Humphry Mackworth* attempted the Recovery of the ſaid Coal-works by the aſſiſtance of the Colliers of that Neighbourhood, but failed of ſucceſs; whereupon he travelled into other Countries to find skilful Miners to aſſiſt him therein; and after great Expences, and by carrying on a Level and Wind-way, commonly called a Foot-rid or Waggon-way, after the manner uſed in *Shropſhire* and *Newcaſtle*, he recovered the ſaid Coal-works, and at a great Expence continued the ſaid Waggon-way on Wooden Rails from the Face of each Wall of Coal, twelve hundred Yards under ground, down to the Water-ſide about three quarters of a Mile.

The ſaid *Coal-works*, without the Conveniency of this *Foot-rid and Waggon-way*, could not be carried on to any *Profit*; but by means thereof *great quantities of Coal* are brought forth and ſold to Sea, whereby Her *Majeſty and the Publick receive annually for the Duty of theſe Coals the Sum of* 1000 l. *and upwards*.

Since the Recovery of theſe Works, ſeveral Attempts have been made by Perſons concerned in other Coal-works, to ruin and deſtroy theſe Works, and the Trade to them; which was firſt endeavoured by ſending Agents to the Port of *Bridgewater*, and other Ports, to diſparage the ſaid *Coal, and the Port of Neath*, and diſcourage Merchants and Maſters of Veſſels from coming or trading to that Port; ſometimes giving out, that the *Coal* was not good, at other times that the Works were diſcontinued, or elſe that the ſame would in a ſhort time be deſtroyed.

Theſe Reports being detected, other Attempts were made by threatning to preſs the Seamen that came to thoſe Coal-works, and encouraging ſuch Seamen as traded to other Works.

Theſe Attempts alſo failing, Endeavours were uſed to draw away the *chief Workmen and Artiſts* concerned in the

the Carrying on the ſaid Works; but not ſucceeding therein, ſeveral Workmen who by long continuance were become skilful in bringing forth *Coal* in the ſaid Waggons under-ground, each Waggon containing *about* 14 *hundred weight*, and thruſt forth by *two Men*, were at Mid-night, between the eighth and ninth Days of *May* laſt ſeized by the Servants of *Thomas Manſell*, Eſq; *without any Conſtable* or Pariſh Officer; *the Houſes where they lodg-were broke open*, and the *Men afterwards Liſted by Sir* Edward Manſell, Thomas Manſell, *Eſq*; *and* Thomas Popkins, *Eſq*; *Juſtices of the Peace for the ſaid County of* Glamorgan, *to ſerve as Souldiers in Her Majeſties Land Forces*, notwithſtanding the ſaid Juſtices were informed that the ſaid Workmen were bound to ſerve the ſaid Sir *Humphry Mackworth* in Smelting, Refining, or Working of Coal for a Term of one or more, and ſome of them for fourteen Years; that they were Men of a *Lawful Calling and Employment*, and moſt of them had ſerved ſeveral Years in the ſame Employment, but the Juſtices had Coal-Works of their own.

The Nature of theſe Works are ſuch, that ſeaven Men, viz. *three Cutters and four Waggoners* work in each Wall of Cool; and if *one* of the Waggoners be abſent, the other ſix Men cannot carry on their Work; whereby not only the ſix Men looſe their Work, but the ſaid Sir *Humphry Mackworth* looſes the getting of two Weighs of Coal *per* Day, which ſells at *Neath Bank* for Forty Shillings, the Duty whereof to Her Majeſty comes to twenty Shillings or thereabouts: For which Reaſon,

A Cutter of Coal can better be ſpared in theſe Works, than a Waggoner that brings it out from under ground, both with reſpect to the Labour and Skill of the Work; for if one Cutter be abſent, the other two can carry on their Work, or get an Aſſiſtant; but the Waggoners muſt be compleat in their number, and have great skill to keep the Waggons upon the Raiſes through the Turnings and Windings under-ground, which are ſo intricate, and do ſo greatly vary in every Street of Coal, that a good Waggoner in one Street, will not ſerve in another; and the Work is ſo laborious that few Men will undertake it.

Since the Preſſing of thoſe Men who were uſed and employed in three ſeveral Streets of Coal, many Labourers have attempted to ſupply their Places; and could not attain to, or undergo the ſame Work; whereby the ſaid Sir *Humphry Mackworth* hath had great Loſſes in his Coal Trade ever ſince the Preſſing his Men, the Work not being in the ſame good Order to this Day, and ſeveral Cuſtomers have been loſt by the Occaſion thereof.

Theſe Proceedings did not only tend to the Prejudice of the Coal-Works of Sir *Humphry Mackworth*, but alſo of all the Smelting and Refining-Houſes belonging to the ſaid *Mine-Adventurers*, both in *Glamorgan* and *Cardigan-ſhire*, which depended upon the ſaid *Coal-Works*, the ſaid Partners being ſupplied from thence by agreement with Coal at cheap Rates, and at a certain Price; and ſome of theſe Men were bound to ſerve Sir *Humphry Mackworth* in Smelting and Refining of Lead for the Service of the Company when occaſion, as well as in Waggoning of Coal; whereby the Company and Sir *Humphry Mackworth* had both an advantage by keeping no Men at dead Wages, and having always a ſufficient Number of skilful Men in readineſs for their reſpective Services.

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The Liſting of theſe Men occaſioned a great terrour amongſt the reſt of the Work-men, who being informed thereof by *Thomas Jenkins*, and others, and not by *Thomas Hawkins*, as is ſuggeſted, *run away from their Works, and abſconded for ſeveral Days, left the Mettal unwrought, the Furnaces ſpoiled, the Silver in the Teſts, and the Coal-work at a ſtand, and ſeveral Veſſels that came to Load with Sir* Humphry Mackworth *were diſappointed of their Freight*,

Theſe Proceedings were carried on with ſuch open and particular Malice againſt theſe Works, that ſeveral Perſons *left the ſame, and went into the Service of other Inferiour Perſons in that Neighbourhood, in favour with the Juſtices, in order to their Protection*; and the Agents of Sir *Humphry Mackworth* were forced to get the *Colliers of the adjacent Coal-Work* (who were not diſturbed) *to Load Veſſels with his Coal* left on the Key, *whilſt his own Men durſt not appear to follow their Work*.

This open Violence, not only by the Liſting theſe Men, but by frequent Threatnings of Inferiour Perſons, who pretended a Power from the ſaid Juſtices to preſs Sir *Humphry*'s and the Companies Workmen, and daily threatned to ruin their Works, by driving their Men out of the Country, was the occaſion that Mr. *Thomas Hawkins*, Chief Agent of the ſaid Sir *Humphry Mackworth* and Company, came up to *London* with an Account of the ſaid Proceedings; whereupon Sir *Humphry Mackworth* immediately applied to the Right Honourable *Thomas Manſel*, Eſq; Son to the ſaid Sir *Edward Manſell*, and Father to Captain *Buſſey Manſell*, an Infant of tender Years, for whom the ſaid Men were preſſed, to know the meaning of theſe Proceedings, but he not being at home, the next Day the Matter was laid before the *General Court of the Mine-Adventurers*, who were then to meet on a *Summons iſſued forth a Fortnight before, according to their Conſtitution*: And thereupon Orders were made by the ſaid Court, to proſecute the ſaid Offence according to Law; and they appointed a *Council and Sollicitor* to take Care of that Affair, and ordered that no end ſhould be made without Conſent of a General Court.

The next Day the ſaid Mr. *Manſell* ſent to Sir *Humphry Mackworth*. and deſired a Meeting; which being had, Mr. *Manſell* ſeemed to be concerned for the ſaid *unwarrantable and illegal Proceedings*, but at the ſame time acquainted Sir *Humphry Mackworth*. *That if he or the Company did proceed to take advantage of the Law on that account, they muſt expect their Houſes would be pulled down, their Men ſent out of the Country, and their Works deſtroyed, or Words to that effect*; however Mr. *Manſell* and Sir *Humphry Mackworth* agreed to have a Meeting between the ſaid Mr *Manſell* and ſome of the Principal Partners, in order to propoſe a Reconciliation; but when ſeveral Perſons of Honour and Quality had met together on that occaſion, Mr. *Manſell* ſent a Letter to excuſe his not coming to them.

Whereupon the Caſe being ſtated, and advice of Council taken, they directed and adviſed the bringing of ſeveral Actions againſt the Juſtices and the Perſons employed in Preſſing the ſaid Workmen: After which, on the 26th Day of *May* laſt, the ſaid Juſtices had a Meeting at *Neath*, and deſired divers Perſons to ſign a *Certificate in favour of their Proceedings*, and amongſt others, very earneſtly entreated Mr. *John Davies, Portreeve of Neath.* to ſign the ſaid *Certificate*, and to an-

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nex the *Town-Seal* to the ſame; which he refuſing, *becauſe the ſaid Certificate was falſe and groundleſs*, the ſaid Sir *Edward Manſell* indeavoured to ſtrike him, but being held by other Juſtices, he gave him a *Kick*, and followed him out of the Room, bidding his Servants *throw Stones after him*.

At the ſame time and before, ſeveral Workmen belonging to Sir *Humphry Mackworth* and Partners were tampered with, and ſollicited to give Evidence in favour of the ſaid Proceedings, and being ſent for before the ſaid Juſtices, and treated with Drink, ſome of them were prevailed upon to ſet their Hands to a Paper, but what it contain'd they cannot tell, but they have ſince ſet forth the Truth upon Oath before a Commiſſioner of the Exchequer and Queen's Bench.

On the 23d Day of *June* laſt, Mr. *William Morris* and *Meredith Griffith*, Servants to Sir *Humphry Mackworth*, went to *Margam* to ſerve Sir *Edward Manſell with Spa's* out of the Exchequer, at the Suit of the ſaid Mr. *John Davis*, *Portrieve of Neath aforeſaid, and others*, and were by order of *Stephen Howard, Chief Agent to the ſaid Sir Edward*, apprehended by the *Conſtable without a Warrant, abuſed, beaten, their Pockets ſearched, and Papers taken and peruſed by the ſaid Stephen Howard*; threatning they ſhould be *tyed Neck and Heels, and ſent to Cardiffe Goale*, and in caſe of any reſiſtance, *that they were in danger of their Lives*.

Thomas Jones, Smelter, one of the Perſons liſted, and afterwards diſcharged by the ſaid Juſtices, hath made Oath, that he hath been ſolicited by the ſaid Mr. *Thomas Manſell* of *Britton-Ferry*, and by ſeveral other Perſons on behalf of the ſaid Juſtices, and promiſed great Rewards, and twenty Pound *per Annum*, if he would leave Sir *Humphry Mackworth* and Partners, and releaſe the Actions brought by him; and if not, that they would have him tranſported.

Martha Ambroſe doth likewiſe depoſe upon Oath, that *Jennet Manſell*, Wife of *Rees Manſell*, Agent to the ſaid Mr. *Thomas Manſell* of *Britton-ferry*, came to her, and promiſed in Mr. *Manſel*'s Name, that if ſhe would find out *Evan ap Evan*, that formerly lodged at her Houſe, and prevail with him to releaſe his Action againſt the Juſtices, the ſaid Mr. *Manſell* would diſcharge him from the Queen's Service, and if they would intermarry, would ſettle them both in a Tenement under the ſaid Mr. *Manſell* for their Lives.

On the 29th Day of *June* laſt paſt, a Petty Seſſions was held at *Neath*, by the ſaid Juſtices, where an order was made for removing out of the Pariſh, all the Workmen belonging to the Mine-Adventurers, or to Sir *Humphry Mackworth*, that came from other Pariſhes or Places, notwithſtanding they got good Wages, were not likely to be chargeable to the Pariſh, as appears by the Certificate of the Portreve, Aldermen, and Burgeſſes of *Neath*, and ſeveral of them were legally ſettled in the ſaid Pariſh, having paid to Church and Poor, and born Pariſh-Offices, and have been covenanted Servants to the ſaid Sir *Humphry Mackworth* for ſeveral Years.

On the 9th of *July* laſt the Quarter-Seſſions for the ſaid County of *Glamorgan* was held at *Neath* aforeſaid by the ſaid Juſtices, and one *Richard Carne* Eſq; Nephew to the ſaid Sir *Edward Manſell*, where *Edward Conway*, Eſq; a Gentleman of Quality in the County of *Flint*, and Barriſter at Law, was pleaſed to receive a Fee, and to appear on the behalf of the

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ſaid Company and their Workmen, and as he was opening the Caſe for them with the greateſt deference and reſpect to the Court, the ſaid Sir *Edward Manſell* thought fit to treat him very rudely, deſpiſing his Judgment in the Law, vilifying the Company, and denying all his Motions; and having made an Order for removing the ſaid Workmen, and there being a Jury all or moſt of their own Tenants and Dependants, ſeveral Indictments were found, and Preſentments made againſt the Agents and Tenants of the ſaid Sir *H. Mackworth*, which were ſo managed, that no Defence could be made, neither could any Copies be obtain'd (tho often demanded) to this day; whereupon there was a neceſſity of ſerving *Certiorari's* for removing the ſaid Orders and Indictments into her Majeſty's Court of Queens Bench, or elſe the Company's Works and Sir *Humphry Mackworth's* Coal-works had been in great meaſure prejudiced.

Theſe Proceedings were carried on in ſo open and violent a manner, that many of the Attorneys at the Quarter-Seſſions refuſed to take a Fee on the behalf of Sir *Humphry Mackworth* and Company, and ſome that did, came and returned their Fees back again, declaring that it was to no purpoſe to make any Defence, for the Court was fully bent againſt them, and that in caſe they ſhould appear for the Company, they muſt never expect to practice with any Succeſs in that Court, but be look'd upon as Enemies to thoſe that had long exerciſed an unreaſonable Power in that Country.

It may be obſerved, that Sir *Edward Manſel* has no Eſtate in the Pariſh of *Neath*; Mr. *Manſel* of *Britton-ferry* had not above 70*l.* *per Annum*; and that Sir *Humphry Mackworth* and Tenents do pay about a Moiety of the Rates of the whole Pariſh; and therefore having a due Regard to his own Intereſt, and to the Intereſt of the Pariſh, did provide in the Original Eſtabliſhment of the Mine-Adventure, a conſiderable ſhare of the clear Profits of the ſaid Mines, to be applied to the Maintenance and Support of poor decay'd Workmen and their Families; and *the Company does now allow thirty Pound* per Annum *to Mr.* William Williams, *a School-Maſter at* Neath, *for the Education of the Children of the Poor Workmen, and the like Salary to Mr.* John Evans *in the County of Cardigan*, of which the Portreeve, Aldermen, and Burgeſſes of *Neath* being ſenſible, as alſo of the great Advantage to the Town by the ſaid Works, and of the good Wages conſtantly paid to the ſaid Workmen, they have not only not diſturbed the ſaid Men, but even at this time have certified under the Common Seal of the Corporation, the Advantages of the Works, the good Behaviour of the Workmen, and that they are not likely to be chargeable to the Pariſh.

The Deſigns againſt the ſaid Cole-Works not having the intended Succeſs, the ſaid Mr. *Manſell* of *Bretton-ferry*, who has Coal-Works of his own both in *Swanzey* and at *Britton-ferry*, near his own Houſe, under Pretence of being a Burgeſs of the ſaid Town, tho' he had never before ſent for the Town Coal nor any of his Anceſtors, as claiming only to be honorary Burgeſſes, and by the Charter of the Corporation, Forreign Burgeſſes were to have no benefit of the Lands or Cole-Works of the ſaid Town, yet the ſaid Mr. *Manſell*, his Agents, intending and declaring that they would obſtruct the Sale of the ſaid Coal to Sea, by ſending for great and unreaſonable Quantities for their own Firing, the Rate paid by the Burgeſſes not amounting to the Price paid for raiſing the Goals, the ſaid Mr. *Manſell* ſent

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his Cart every other Day to fetch Coal from the said Sir *Humphry Mackworth*'s Works, with which he made extravagant Fires in order to waste and consume the same, and to hinder the said Trade to Sea; whereupon the Chief Agent of Sir *Humphry Mackworth* observing the Malice of this Proceeding, and having then several Ships in the River of *Neath* to freight with Coal, and *Lyson Hopkins*, Chief Agent of the said Mr. *Mansell*, refusing to bring any Certificate that the Coal was spent, or that it was for necessary Firing, as is expressed in the Lease of the said Coal, thought fit to lock up the Gate on the *Freehold-Lands* of the said Sir *Humphry Mackworth*, leading only to one Mouth of the said Coal Works (the other Mouth being in the Town Lands) and to forbid the Servants of the said Mr. *Thomas Mansell* from taking any more Coal there or elsewhere, notwithstanding which, the Agents of the said *Thomas Mansell* on the 30th Day of *June* last, broke down the said Gate, and the Stone Wall on the Free-hold Lands of the said Sir *Humphry Mackworth*, and took his Coal by Force.

In the Town Lease of the said Coal-Works, Sir *Humphry Mackworth* does covenant with the Burgesses of *Neath* and their Successors, that they shall have as much of the said Coal as shall be fitting and necessary for their own use, to be spent for their own respective Fires in or at their several Houses, paying Two Pence for each Barrow of Coal; but this Covenant doth extend to none but Legal Burgesses, and to those who live in Town, and by the Charter, ought to have a share of the Profits of the Town-Lands and Coals, and even then to necessary and not extravagant Fireing, and therefore it was usual to fetch Coal a little at a time, by Horse, and not by Cart Loads.

These extraordinary Proceedings, attended with a Difference and a Law-Suit between the Burgesses concerning the Town-Lands, and the Rent or Duty paid by Sir *Humphry Mackworth* for the said Coal, obliged him to exhibit a Bill in Chancery against the Burgesses and others; whereupon he obtain'd an Injunction to *quiet him in possession of the said Coal-Works*; which Injunction was served on the said Parties and their Agents on the 9th and 13th Days of *August* last past, and on the 6th of this Instant *October*, notwithstanding which, *Lyson Hopkins*, Chief Agent of the said Mr. *Mansell*, one of the Defendants in the said Cause, with *William Broadber*, another Defendant, and several other Agents of the said Defendants, continued to fetch, and take by force, Cart-Loads of Coal twice or thrice a Week, and upon the 21st Day of *August*, and the 5th Day of *September* following, they did again break down with Force and Arms, the said *Stone Wall and Gate on the Freehold Lands of the said Sir* Humphry Mackworth, *and take away the Coal by force, and on the* 18*th Day of* September, *and the* 20*th Day of* September *following, they used the same Violence and forcible Entry on the said Freehold Lands of the said Sir* Humphry Mackworth, *contrary to Law, in contempt of the said Injunction of the High Court of Chancery, and in breach of the Priviledge of the Commons of* England; for these Reasons.

The Agent of the said Sir *Humphry Mackworth* thought fit to take notice to the said Mr. *Mansell*, that he being under *Age of twenty one Years* when he was sworn Burgess, and living out of of the said Burrough, had no right to the said Coal, and desired that he would forbear those Violences till

the Right was determined in a legal way; but the ſaid *Th. Manſell* ſtill perſiſting, and his Agents and Servants coming with a Cart for Coal, and breaking down the ſaid Gate on the *twenty firſt of Auguſt* laſt with Force and Arms in a riotous manner; Sir *Humphry Mackworth* granted a Warrant to apprehend the ſaid Rioters, and ordered the Conſtables to bring them before Sir *Edward Manſell*, who was then in *Neath*, which they accordingly did; and *Thomas Jenkins* proved that the Offenders confeſſed the breaking down the ſaid Gate, and that he ſaw them take away the Coal. Other Witneſſes were produced to prove the ſame Riot more fully, but their Examination was refuſed; whereupon Mr. *Tho. Hawkins*, chief Agent of the Company, ſpoke to this effect: *Sir, here are two more Witneſſes to be examined to prove the Riot, and with humble Submiſſion I demand Juſtice that they may be examined:* Whereupon the ſaid Juſtice bound over the ſaid Agent to appear at the next Quarter-Seſſions for Saucineſs and to be of the Good Behaviour in the mean time, and diſcharged the Offenders.

The ſame day there was a Meeting of the Burgeſſes appointed at *Neath*, to conſult together how to accomodate ſeveral Law-Suits and Differences concerning the ſaid Town; but the ſaid Sir *Edward Manſell* coming to *Neath*, many lewd and diſſolute Perſons provided Guns and Arms, and not only Muskets, but *Patarreroes* or *Chambers*, out of the Ship of *Leyſon Hopkins, chief Agent of the ſaid Mr. Manſell of Britton Ferry*, and after many Threatnings, and ſeveral Diſcharges of the ſaid Guns by the ſaid looſe and profligate Perſons, ſome of the ſaid Guns were placed on the Stairs going up to the Town-Hall, and Perſons were heard to ſay, *Damn them, we will ſhoot them all to the Devil*; and *John Bowden*, one of thoſe that carried the Guns, was heard to ſay, *God bleſs Sir* Edward Manſell, *and God damn Sir* Humphry Mackworth *and all his Family.* And many Inſtances were given of the inveterate Malice of that Party, and of their Deſigns to do Miſchief, if it had not been prevented by putting off the ſaid Meeting.

On the 13th Day of *Auguſt* laſt paſt, the Grand Seſſions was held for the County of *Glamorgan*, whereupon the Evidence of *Gabriel Powel Attorney at Law, and a Creature of the ſaid Manſells*, and of the ſaid *Stephen Howard, chief Agent of the ſaid Sir Edward Manſell*, an Indictment was preſented and found by the Grand Jury againſt Sir *Humphry Mackworth*, for erecting a *Nuſance* croſs the Highway leading from *Neath* to *Cardiffe*, which was ſet forth in the ſaid Indictment to be *ten Foot high, to the great annoyance of her Majeſty's Subjects, paſſing that way*, and the ſaid *Thomas Popkins was one of the ſaid Grand Jury, and a Perſon concerned in Coal-Works.*

The Place preſented was the ſaid *Waggon-way for carrying down the Coal to the Water-ſide*, and had been made by Sir *Humphry Mackworth Eight Years* before, and upwards, and quietly enjoyed by the general Approbation not only of the Overſeers of the Highway, and the neighbouring Juſtices, but of all others travelling that Road, it being formerly a *deep Pool of Water and Dirt*, and thus amended by the ſaid Sir *Humphry Mackworth*, and by the Slag of the Smelting-houſes, made *the beſt Spot of Ground for heavy Carriage between* Neath *and* London, the higheſt part of it being three Foot two Inches on one ſide, and two Foot five Inches on the other, with a gradual Aſcent of thirty ſix Foot and upwards

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on each ſide. Sir *Humphry Mackworth* offered to traverſe and try the ſaid Indictment the ſame Seſſions upon the Evidence of the Attorneys and the Freeholders then in Court, who came over the ſaid Way to the great Seſſions, and who all cried out with one Voice, that it was ſo far from being a Nuſance, that it was the beſt part of the Road between *Neath* and *Cardiff*: But the ſaid *Gabriel Powel*, and *Stephen Howard* refuſing to try it the ſame Seſſions, Sir *Humphry Mackworth* gave a Recognizance to try it the next Seſſions.

The Agents of the ſaid Juſtices having thus by ſurprize and by falſe Evidence got this Waggon-way to be indicted, had their Deſign; for they ſuppoſed that they might then juſtly pull down the ſaid *Waggon-way*, and hinder the carrying of Sir *Humphry Mackworth*'s Coal to the Water-ſide; and according on the *Eighth Day of September laſt*, *John Morgan* and *Philip Williams*, two notorious wicked Fellows, were employ'd to break down the ſaid *Waggon-way*, and the ſaid *Leyſon Hopkins*, *Gabriel Powell*, and one *William Phillips*, all Agents to the ſaid Juſtices, or ſome of them, were then preſent, countenancing and directing the ſaid illegal Proceeding; and the ſaid *Gabriel Powell* being ask'd by Mr. *William Williams*, one of the Agents of Sir *Humphry Mackworth*, why theſe violent Meaſures were taken, ſince Sir *Humphry* had given Security to try the ſaid Indictment at the next Seſſions; they all reply'd, they would juſtify what was done; and he the ſaid *Powell* anſwered, *he was willing to let them ſee how he could manage them himſelf*. The ſame Day the Grand Jury of the Court Leet, and Jury of Homage of the ſaid Mannor and Burrough of *Neath*, together with the Overſeer of the Highway, meaſured the ſaid Waggon-way, and unanimouſly agreed it was no Nuſance, but the beſt part of the Road between *Neath* and *Cardiff*, and the ſaid Mr. *Williams*, Mr. *Hawkins*, and *Philip Gregory* Overſeers of the Highway, went to *Margam*, and deſired a Warrant againſt the ſaid *John Morgan*, repreſenting the Damage to Sir *H. Mackworth*, the Concourſe of People, and the dangerous Conſequences of ſuch Proceedings, where the Right Honourable *Thomas Manſell* Eſq; told the ſaid Mr. *Williams*, that he wondered why Sir *Humphry Mackworth*, or any of his Agents, came to trouble his Father, ſince *Sir* Humphry *was no way entituled to any Favour from that Family*. To which the ſaid Mr. *Williams* reply'd, that they did not come there *for Favour, but Juſtice*. However the ſaid *Williams* could obtain no Warrant, nor have their Evidence, which was then produced, to be examined: And the ſaid Treſpaſſers did not only ſpoil the ſaid Way, but *cut in pieces the ſawed Timber of Sir* Humphry Mackworth, *even within his own Freehold*.

On Munday following the ſaid Jury of the Leet at *Neath*, or the greateſt part of them, with the Overſeer of the Way, came up again, and viewed the ſaid Waggon-way, and found the ſame in height and length as aforeſaid, during which time the ſaid *Thomas Popkins*, one of the ſaid Juſtices, came by, and was deſired to take notice of the ſaid Way, and whether *it was a Nuſance or not*; to which he gave no Reply; but the ſame day at *Aberavon*, the ſaid *Popkins* and Sir *Edward Manſell* ſwore two new Conſtables, *William Mann* and *David Roſſer*, for the Town of *Neath*, contrary to Law, it being before the Expiration of the Year by the old Conſtables ſworn at the Leet by the Conſtable of the Caſtle, who alone hath Power to ſwear Conſtables

there for the ſaid Town, and at the inſtance of the ſaid Offenders, ſent a Warrant under the Hands of the ſaid *Popkins*, againſt *William Morris*, *John Hugh*, Mr. *William Williams*, Mr. *Thomas Hawkins*, Agents and Servants of the ſaid Sir *H. Mackworth* and Company, and againſt Mr. *Leyſon Hopkin*, Alderman, and then fore-man of the ſaid Grand Jury; and on *Tueſday* following granted a Mittimus againſt three of them, *viz.* the ſaid *Williams*, *Morris*, and *Hugh*, all Agents and Servants to the ſaid Sir *Humphry Mackworth* or Company to carry them to Goal to *Cardiffe*, four and twenty Miles diſtant, upon no other Evidence, but that they took the Tools out of *John Morgan*'s Hand, and laid them on the Ground, and the ſaid Juſtice did refuſe to take their own Security one for another, tho' they were ſufficient Perſons, or to grant a Warrant againſt the ſaid Offenders, tho' requeſted that Day and the Day before, and on *Monday* the 17th of the ſaid Month, the ſaid *William Morris* and *Hughes* were bailed by *Charles Button*, Eſq; one of Her Majeſties Juſtices of the Peace.

On the 14th of *September*, the ſaid *John Morgan* and alſo *Morris Morgan* and *William John David* with Pick-axes, Iron Bars, and Shovels, broak the ſaid High-Way again, and the ſaid *William Phillips* and *George Rood*, Agents or Servants to *Thomas Manſell* of *Britton-ferry*, Eſq; were then preſent, and encouraging the ſaid Offenders, and *George Rood*, another Servant, did direct them where to dig.

On the 17th of *September* following the Way being mended, the ſaid *John Morgan* and *Morris Morgan*, with an Iron Bar, two Hatchets, two Pick-axes, two Shovels, broak up the ſaid Way, and *cut the ſaid Rails of Sir* Humphry Mackworth *in two Pieces*, which were laid by him to mend the Way, and ſupport his heavy Carriage croſs the ſame, the ſaid *Leyſon Hopkin* being then preſent, and directing them.

On the 18th following, the ſaid Way being amended, the ſaid *John Morgan* and *Maurice Morgan*, with the ſaid Tools broke the ſaid Way again, and the Rails being taken up, and Sir *Humphry Mackworth*'s Agents or Servants driving the Waggons over the Ground, the ſaid *John Morgan* and *Maurice Morgan dug a hole in the Ground to hinder the ſaid Waggons from croſſing the Way*, *Leyſon Hopkin* being then preſent, and directing.

On the 20th following the ſaid *John Morgan*, by direction of the ſaid *Leyſon Hopkins*, broak the ſaid Way again, and when he ſaw the Waggons of Coal would go over without the Rails, *he dug a hole in the Way to hinder the Carriage of Sir* Humphry Mackworth's *Coal to the Water-Side*; whereupon the Agents of Sir *Humphry Mackworth* were forced to hire Horſes to carry their Coal on their Backs.

The ſame Day *Thomas Williams*, a Seaman obſerving the malicious Deſigns and Obſtructions to the Carriage of the ſaid Coal, which was then coming down in a Waggon, ſtood upon the Rail laid croſs the Way to ſupport the ſame, and for ſo doing, and for no other Offence, a Warrant was granted againſt him by one of the ſaid Juſtices, and the Maſter of the *Globe* obſerving and condemning the ſaid Malitious and Unneighbourly Proceedings, was ſo threatned by the Agents of the ſaid Juſtices, that he alſo left trading to the ſaid Port for ſome time.

On the 28th *Day of September*, being the Day of the Election of Portreeve, and other Officers at *Neath*, the ſaid way being repair'd and amended, Sir *Edward Manſell*, and his Son Mr. *Comptroller*, came to *Neath*

over the ſaid Way, and one of them was heard to ſay, he thought the ſaid Way had been broak down; and ſoon after the ſaid *John Morgan*, *Maurice Morgan*, and *John Thomas*, *Philip Williams*, and *Thomas Richard*, broke the ſaid Way again, and whilſt they were ſo doing, *Sir* Edward Manſel *and his Son Mr.* Comptroller, *did go back over the ſaid Way in their Coach, and did not forbid the ſaid Riot and Treſpaſs*, but on the contrary, the ſaid *John Morgan* run after the ſaid Coach, and ſpoke to the ſaid Sir *Edward* and his Son, and when he came back, he was asked, whether he had been receiving Orders; to which he replied, That *they only bid him go about his buſineſs*, and immediately *he fell to work again upon the ſaid Way*, which they broak up with three Pick-axes, two Shovels, two Iron Bars, and two Wheel-Barrows.

During all or moſt of the times of theſe Interruptions to the Carriage, Veſſels were waiting at the Bank of *Neath* for Sir *Humphry Mackworth*'s Coal, and were all diſappointed or delayed.

After all theſe Publick Riots, Treſpaſſes and Interruptions, the ſaid Sir *Edward Manſell* and the ſaid *Thomas Popkins* having refuſed to grant any Warrant to enquire and examin into the ſaid Offences, the ſaid Sir *Humphry Mackworth* granted his Warrant againſt the ſaid Offenders, and directed the Conſtables to carry them before the ſaid Sir *Edward Manſell*, and the ſaid *Popkins*, or any other of Her Majeſties Juſtices of the Peace, which Warrant was executed, and as the Conſtables were going with the ſaid Offenders before Juſtice *Popkins*, they, the ſaid Offenders, were in a forcible and riotous manner reſcued from the ſaid Conſtables, by *Stephen Howard*, Chief Agent to the ſaid Sir *Edward Manſel*, *Philip Morgan*, *William Broadber* *David Hopkin*, *David Praulf*, *David Jenkin*, and divers others, to the number of forty Perſons, or thereabouts, whereupon the Conſtables called out, and required all that were then preſent in Her Majeſties Name, to aid and aſſiſt them, which ſome Perſons endeavouring to do, were abuſed and beaten by the ſaid *Broadber* and others, and there being a great uproar in the Streets, *Thomas Hawkins*, Chief Agent of the ſaid Sir *Humphry Mackworth* and Company, and one who had an Influence over their Workmen, and others then preſent, was ſent out to forbid them to contend with the ſaid *Broadber* and others, and call them away; which he did accordingly, and thereby prevented any further miſchief, which otherwiſe might have happened in ſo great a Concourſe of People; and after a merry Meeting, as uſual in that Day of Election of Officers at *Neath*; at which time the ſaid *Hawkins* was pull'd down from a high Cawſey into the Brook by the ſaid *David Jenkins*, to the hazard of his Life or Limbs, the Conſtables were beaten, Swords drawn; after which, the Conſtables and other Perſons came before the ſaid Sir *Humphry Mackworth*, to make affidavit of the aforeſaid illegal Proceedings, and whilſt they were ſo doing, the ſaid *Leyſon Hopkin*, *Stephen Howard*, and *Gabriel Powel* came to the ſaid Sir *Humphry Mackworth*, and offered to give Security for the ſaid *Offenders*, which the ſaid Sir *Humphry Mackworth* was ready to accept, but required that the Offenders ſhould appear, and be bound with them, and gave them time till the next Morning, but none of them did afterwards appear before Sir *Humphry* to give ſuch Security, neither were any

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Recognizances called for their Appearance at the next Quarter-Sessions.

On the other hand there was a Petty Sessions on *Monday* following, (being the Day before the *Quarter-Sessions*) held at *Aberavon* by Sir *Edward Mansel*, the said *Popkins* and others, in such a private and secret manner, that altho' on that Day there was a Leet held for the Election of Portreeve and Officers for that Burrough of *Aberavon*, yet neither the said Sir *Humphry*, who was Constable of the Castle of the said Burrough, nor any of his under Officers who were then present, could learn or know the occasion of the said Meeting, but since it hath appeared that it was held on purpose to turn the said Riot upon the Constables and their Assistants; and accordingly there being a Jury summoned of their Tenants or Dependants, and the Offenders themselves admitted as Evidence, the said Justices convicted the said Constables, and those that were then present to assist them, and all that did belong to the said Mine-Adventurers or Sir *Humphry Mackworth*, to the Number of forty Persons and upwards of a Riot, fined them ten Pound a Man, and made a Record thereof, pursuant to the old obsolete Statute of 15 *R.* 2d. and afterwards on *Wednesday* the third Day of *October*, *Thomas Turner*, Master of the Ship called the *Mine-Adventurer*, and most of his Men, together with several others, Agents or Servants to the said *Mine-Adventurers*, or to the said Sir *Humphry Mackworth*, to the number of fifteen Persons and upwards, were brought before the said Sir *Edward Mansell*, by virtue of a Warrant under the Hands and Seals of the said Sir *Edward* and the said *Popkins*, directed to the Chief Constable of *Neath* Hundred, for a Riot, in which Warrant there were many others of their Agents and Workmen, who were gone the Day before to the Quarter-Sessions; and when the said *Turner* and others came before the said Justice, he the said Sir *Edward* fell into a great Passion, called them all Rogues and other ill Names, told them they must pay down immediately ten Pound a piece, or else they should rot in Goale, and said that all of them together were not worth ten Pounds; but at last he sent them back, and order'd them to come again on *Friday* following, which they did accordingly, and then he told them that Sir *Humphry* had removed the Matter by a Certiorari, and he had nothing more to say to them.

At the Quarter Sessions held at *Cardiffe* on Tuesday the second Day of *October*, the very next day after the said Petty Sessions, Sir *Humphry Mackworth* appeared (but Sir *Edward* did not) and there Sir *Humphry* accidentally hearing of some Conviction for a Riot at the said Petty Sessions, and of a Design to stop the Coal-works, and the Works of the said Company, by fining and Imprisoning their Workmen, served the Justices in open Sessions, and particularly the said *Thomas Popkins*, with a *Certiorari*, to remove the said Conviction to the Grand Sessions for the said County of *Glamorgan*, by which means he prevented the said Designs against the Company and their Works.

Sir *Humphry* came to the Quarter-Sessions, in order to lay the matter of the Riot before the Court and Jury, and accordingly ordered an Indictment to be drawn, and desired that the Evidence might be heard in open Court, that the Court, Jury, and the Country might be all satisfied upon whom the Riot ought to be fixed, whether upon those that were doing their

their Duty, and executing a lawful Warrant, or upon those that were doing an unlawful Act, and rescued the Offenders from Justice: But the Attorneys on the other side observing the Evidence to be full against them, insisted on a Mistake in the Indictment, by naming *Richard Thomas* for *Thomas Richard*, and the Court thereupon directed the Jury to find *Ignoramus*, by which means they were excused at that time.

The Grand Jury of the Leet for the Burrough of *Neath*, have unanimously presented the said Riot, Rescue, forcible Entry, and other the Offences above-mentioned, upon the view of many of themselves, and on Evidence of several Witnesses sworn before them; and there are many Affidavits made by credible Witnesses of the truth of the material Facts above-mentioned.

When Mr. Comptroller obtain'd the great Favour of a Captain's Commission for his Younger Son, who is a tender Infant, it was expected that he had that Interest in the Country, that he could have raised a Company of Voluntiers, without disturbing his Neighbours Works, and prejudicing an Undertaking that was of so great an advantage to the Country.

If this Proceeding be countenanced, it will be in the Power of three Justices to ruin all the Manufactures of *England*.

Since this Disturbance, Sir *H. Mackworth* and Company have been put to great Difficulties to get Workmen to supply their Works, which has been a great damage to them.

Note, The same Irregular Proceedings have since been carried on in that County, where they use all ways to prejudice the Companies Works, and to discourage their Work men, and they took into custody *William Blewer*, a Freeholder, and a covenant Servant of Sir *Humphry Mackworth*, under pretence of putting a Shilling into his Hand, and calling it the Queen's Money, tho' he immediately refused the Money, and indeavoured to go home about his Business; and on Affidavit thereof, the Court of *Queen's-Bench* order'd an *Habeas Corpus* to bring him before them.

Which Writ being served on *William Wilson*, Serjeant to the said Company of Captain *Bussy Mansell*, at *Cardiffe* in *Glamorgan-shire*, on the fifteenth Day of *November* last, and Money offered to bear the Charges of the said *Blewer* to *London*, the said *Wilson* refused to pay Obedience, saying, *He had nothing to do with my Lord Chief Justice, but must go to his Company*, and threw down the said Writ with contempt: but afterwards, at *Southampton*, their superiour Officer, in obedience thereunto, sent the said Serjeant, and *John Jones*, a Corporal in the said Company, with the said *Blewer*, to *London*, where the said *Blewer* was conceal'd in an Ale-house in *Greek-street*, *Soho*, near the House of the Right Honourable *Tho. Mansell*, Esq; Comptroller of Her Majesties Houshold, from whence the Servants of the said Mr. *Mansell* came to him, and brought Meat and Provisions, and the said Serjeant and Corporal having first moved the Court of Queen's-Bench, to discharge the said Writ, without success, make a false Return to the same, thereby setting forth, that the said *Blewer* was not in their custody, nor detain'd by them: and at the same time they would

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not ſuffer him to ſee his Siſters or Relations in *London*, nor to adviſe or ſpeak with, or ſend to the ſaid Sir *H. Mackworth*, or other Friend, whereby the Acts of *Habeas Corpus* were eluded, which are the great Security of the Liberties of the People.

The ſaid *Blewer* hath made Affidavit in the *Queen's-Bench*, upon obtaining the Writ of *Habeas Corpus*, that he never Liſted himſelf voluntarily, nor received any Money from the Officers, till he had been Impriſoned and Detained about thirty Days, and was not only in want of Subſiſtence, but was threatned to be tied Neck and Heels, and the Manacles were brought and laid before him.

Theſe are the Matters of Fact which have been proved by Affidavits upon Record, and publiſhed ſo long before the Hearing, notwithſtanding which, the Perſons complained of, have hitherto given no anſwer, and it is preſum'd they will not attempt to give an Anſwer in Print in any reaſonable time before the Hearing, for fear of a farther Reply to their greater Diſhonour.

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